REMARKS

This is intended as a full and complete response to the Final Office Action dated March 21, 2007, having a shortened statutory period for response set to expire on June 21, 2007. Applicants submit this response to place the application in condition for allowance or in better form for appeal. Please reconsider the claims pending in the application for reasons discussed below.

Claims 1-59 are pending in the application. Claims 1-59 remain pending following entry of this response.

Claim Rejections - 35 U.S.C. § 103

Claims 1-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Brook* (U.S. Patent Application Publication, published March 28, 2002) [hereinafter "*Brook*"].

Applicants respectfully traverse this rejection.

The Examiner bears the initial burden of establishing a *prima facie* case of obviousness. *See* MPEP § 2142. To establish a *prima facie* case of obviousness three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one ordinary skill in the art, to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Third, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *See* MPEP § 2143. The present rejection fails to establish at least the third criteria.

The Examiner claims that Applicants' have not considered *Brook* as a whole, and that *Brook* as a whole discloses the claim elements. However, Applicants' have considered *Brook* as a whole, and maintains that *Brook* does not teach, show, or suggest all of the claim elements. Specifically, Brook does not teach, show, or suggest "parsing, by a parser, two or more documents in tandem on an element-by-element basis, whereby the elements of each of the documents are sequentially parsed; upon parsing each of the respective sequential elements in a first document of the two or

more documents and each of the other documents, comparing the respective parsed elements to one another; and on the basis of the comparison, determining whether the documents are at least equivalent". In addition to the Examiner's original citation of *Brook* at [0002] and [0206]-[0225], the Examiner further argues that the claim elements are taught by *Brook* at [0224].

Applicants' have considered *Brook* as a whole and respectfully disagree. Considered as a whole, Brook does not disclose the claimed elements and specifically does not teach comparing parsed elements of two documents to determine whether the documents are at least equivalent.

The Examiner points to *Brook* paragraph [0224] as support for the notion that *Brook* teaches comparing respective parsed elements of two documents to determine whether the documents are at least equivalent. However, the cited passage is in fact directed to using referencing or including hash algorithms for optimization and matching purposes. *Brook* teaches referencing as including a reference in an input markup document that can be used as a signal to select the proper hash algorithm for that document. The example *Brook* gives for matching purposes is comparing a document with a reference in it to a type of VDR document (a document type definition (DTD) document) when the VDR document has already been hashed. This example illustrates how *Brook* <u>does not</u> disclose comparing two documents to determine whether the documents are at least equivalent. Instead, in paragraph [0224], Brook is comparing a first document with a reference in it to a VDR document <u>to determine the first document's validity</u>.

The Examiner maintains that because *Brook* compares a document to another document, which is specifically a type of validation reference document (VRD), *Brook* thereby necessarily is comparing two documents to determine whether the documents are at least equivalent. However, Applicants' respectfully submit that the validation reference document of Brook has been mischaracterized by the Examiner. A VRD defines validity constraints for other documents. *Brook* is comparing a document to the VRD to determine if the document has proper syntax and well-formedness, not whether the document and the VRD are equivalent. This would be akin to suggesting that

referring to a book on grammar to determine the grammatical accuracy of, say, a novel, is a comparison of equivalence between the grammar book and the novel. Clearly, this is not the case. Thus, comparing a VRD document to another document in *Brook* is distinct from comparing parsed elements of any two or more documents to each other. *Brook* simply does not disclose comparing two documents to determine whether the documents are at least equivalent.

Therefore, the claims are believed to be allowable, and allowance of the claims is respectfully requested.

Conclusion

Having addressed all issues set out in the office action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.

If the Examiner believes any issues remain that prevent this application from going to issue, the Examiner is strongly encouraged to contact Gero McClellan, attorney of record, at (336) 643-3065, to discuss strategies for moving prosecution forward toward allowance.

Respectfully submitted, and
S-signed pursuant to 37 CFR 1.4,

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